

REMARKS

Claims 1-12, 14 - 17, 19 - 21, 23, and 24 are pending. Claims 1, 12, 17, and 21 are amended. Claims 13, 18, and 22 are canceled without prejudice to or disclaimer of the underlying subject matter. No new matter is introduced.

The present amendment accompanies the Request For Continued Examination (RCE) filed herewith under 37 C.F.R. § 1.114. Prior to continued examination of the subject application, Applicants respectfully request entry of this amendment. Reconsideration and issuance of a Notice of Allowance are respectfully requested in view of the foregoing amendments and following remarks.

On pages 2-9 of the Office Action, claims 1 - 12, 14 - 17, and 19 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koseki et al., U.S. Patent No. 6,732,124 (“Koseki”) in view of Shealy, U.S. Patent 5,950,211 (“Shealy”). Applicants traverse these rejections.

The Office Action fails to establish a case of *prima facie* obviousness, which requires that all claim limitations must be taught or suggested by the prior art. See *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). The applied art does not disclose or suggest “allowing the consumer to resume executing the paused event so that execution of the paused event resumes prior to writing the log entry clone to the log file,” as in independent claims 1, 12, and 17 (as presented). Support for this limitation can be found in the specification at, for example, Abstract, page 9, line 20 to page 10, line 10, and page 13, lines 6 - 19.

Koseki does not disclose or suggest the claimed features. Koseki states that, in a synchronous request, the transaction has to wait for the log write daemon to completely write the log to the log volume, and, in a asynchronous request, the transaction can immediately proceed to the next step. See column 39, lines 29 - 35. In contrast, the claims recite allowing the consumer to resume executing the paused event so that execution of the paused event resumes prior to writing the log entry clone to the log file. Nowhere does Koseki disclose or suggest these features.

Shealy does not overcome the above described deficiencies of Koseki. In the section cited, at page 4 of the Office Action, Shealy discloses that “probes are inserted in program code which handles events which are interesting (to the extent they are useful for debugging, for example) to an object during its lifetime. For example, in the streams subsystem of the SVR4 based MP-RAS operating system, a primary event which is of concern for message block leakage is whenever ownership of a message block is transferred between modules. Accordingly, in this application a probe call to routine 74 is preferably embedded in the

putnext() routine to catch such ownership transfers.” See col. 8, lines 13 - 24. Nowhere does Shealy disclose or suggest “allowing the consumer to resume executing the paused event so that execution of the paused event resumes prior to writing the log entry clone to the log file” (emphasis added), as in independent claims 1, 12, and 17.

The Office Action, to the contrary, states, at page 4, lines 6 - 8, “the function [probe] call is preferably embedded in the putnext routine to catch such ownership transfer before executes [*sic*] the logging system” (emphasis added). In the claims, however, execution of the paused event resumes prior to writing the log entry clone. Therefore, independent claims 1, 12, and 17 are patentable over Koseki and Shealy, applied separately or in combination, for at least these reasons.

Similarly, the applied art does not disclose or suggest “writing the log entry information to the log file using the log entry clone, after execution of the paused event has resumed,” as in independent claim 21 (as presented). Therefore, claim 21 is patentable over Koseki and Shealy, applied separately or in combination, for at least these reasons.

Claims 2 - 11 depend from independent claim 1, claims 14 - 16 depend from independent claim 12, claims 19 - 20 depend from independent claim 17, and claims 23 - 24 depend from independent claim 21. Therefore, claims 2 - 11, 14 - 16, 19 - 20 and 23 - 24 are patentable for the reasons stated above and for the additional features they recite.

CONCLUSION

In view of the above amendments and remarks, Applicants believe that all of the objections and rejections against this application have been fully addressed and that the application is now in condition for allowance. Therefore, withdrawal of the outstanding objections and rejections and a notice of allowance for the application are respectfully requested.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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